

DEPARTMENT OF ENERGY**Office of Arms Control and Nonproliferation Policy; Proposed Subsequent Arrangement****AGENCY:** Department of Energy.**ACTION:** Subsequent arrangement.

SUMMARY: This notice is being issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed "subsequent arrangement" under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States of America and the European Atomic Energy Community (EURATOM).

This subsequent arrangement involves United States advance consent for retransfer from EURATOM to Switzerland of U.S.-obligated plutonium recovered from Swiss spent fuel. The U.S. is designating Switzerland as a country eligible to receive retransfers of US-obligated plutonium from EURATOM to Switzerland as referred to in Article 8.1(C)(iii) and paragraph B(3) of the Agreed Minute to the Agreement. Subsequent to this designation, Switzerland will be able to receive retransfers of certain US-obligated plutonium, including plutonium contained in mixed oxide (MOX) fuel, from EURATOM on an advance, long-term basis. This subsequent arrangement applies both to US-obligated plutonium recovered from Swiss spent fuel that has been transferred to EURATOM for reprocessing pursuant to previous U.S.-Switzerland agreements for peaceful nuclear cooperation and U.S.-obligated plutonium recovered from Swiss spent fuel that may be transferred to EURATOM for reprocessing under the new U.S.-Switzerland Agreement signed October 31, 1997.

In Agreed Minute paragraph (D) of the Agreement for Co-operation Between the Government of the United States of America and the Swiss Federal Council Concerning Peaceful Uses of Nuclear Energy, signed at Bern on October 31, 1997 (H. Doc. 105-184, January 28, 1998), the United States agreed to approve such retransfers from EURATOM to Switzerland on an advance, long-term basis.

Under section 131(b) of the Atomic Energy Act, and in connection with the President's submission of the U.S.-Switzerland Agreement for Cooperation to Congress for review under section 123 (b)&(d) of the Atomic Energy Act (H. Doc. 105-184), the Secretary of Energy provided Congress with a report stating,

inter alia, his reasons for entering into this subsequent arrangement and determined (memorandum dated September 5, 1997) that it will not be inimical to the common defense and security and will not result in a significant increase in the risk of proliferation beyond that which exists now, or which existed at the time approval was requested.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 19, 1999.

For the Department of Energy.

Edward T. Fei,

Deputy Director, International Policy and Analysis Division, Office of Arms Control and Nonproliferation.

[FR Doc. 99-4709 Filed 2-24-99; 8:45 am]

BILLING CODE 6450-01-P

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SUMMARY: This notice is being issued under the authority of Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160). The Department is providing notice of a proposed "subsequent arrangement" under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy between the United States of America and the European Atomic Energy Community (EURATOM).

This subsequent arrangement concerns the addition of Argentina, South Africa, and Switzerland to the list of countries referred to in paragraph 2 of the Agreed Minute to the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy, listing countries eligible to receive retransfers under Article 8.1(C)(i) of the Agreement of low enriched uranium, non-nuclear material, equipment and source material transferred under the Agreement, or receive retransfers of low enriched uranium produced through the use of nuclear material or equipment transferred under the Agreement, for nuclear fuel cycle activities other than the production of high enriched uranium or plutonium.

The United States has brought into force new Agreements for Cooperation in the Peaceful Uses of Nuclear Energy, under the authority of Section 123 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), with Argentina, South

Africa and Switzerland. These three countries have also made effective non-proliferation commitments as prescribed in paragraph 2 of the Agreed Minute to the U.S.-EURATOM Agreement. Accordingly, they are eligible third countries to which retransfers may be made.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, we have determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 19, 1999.

For the Department of Energy.

Edward T. Fei,

Deputy Director, International Policy and Analysis Division, Office of Arms Control and Nonproliferation.

[FR Doc. 99-4710 Filed 2-24-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**[FE Docket No. PP-204]****Application for Presidential Permit; Sumas Energy 2, Inc.****AGENCY:** Office of Fossil Energy, DOE.**ACTION:** Notice of application.

SUMMARY: Sumas Energy 2, Inc. (SE2) has applied for a Presidential permit to construct, connect, operate and maintain electric transmission facilities across the U.S. border with Canada.

DATES: Comments, protests, or requests to intervene must be submitted on or before March 29, 1999.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-0350.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202-586-9624 or Michael T. Skinker (Program Attorney) 202-586-6667.

SUPPLEMENTARY INFORMATION: The construction, connection, operation, and maintenance of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On February 10, 1999, SE2, an independent power producer in the